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10/018,620	04/12/2002	Rudolf Linner	3648.030	4995

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Stephan A Pendorf
Pendorf & Cutliff
5111 Memorial Highway
Tampa, FL 33634-7356

EXAMINER

RADA, ALEX P

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 06/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,620

Applicant(s)

LINNEN ET AL.

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-52 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 27-52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Preliminary Amendment

In response to the preliminary amendment filed June 13, 2002 in which the applicants have canceled claims 1-26, provides a change to the specification, adds new claims 27-52, and claims 27-52 are pending in this office action.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of claims 46-52 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 27-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not disclose how the light barriers (48 and 49) evaluate the shots made by a player with the help of a computer program as recited in claim 27.

The specification does not disclose how the point values are calculated based on the different factors as recited in claims 46-51.

The examiner notes two examples above and requests that applicant point out in the original disclosure the claimed limitations. The applicant is reminded that no new matter may be entered.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 27-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 27, the phrase "a camera and a corresponding part of a computer program shots made" is vague and indefinite because what applicant considers "a corresponding part of a computer program shots made" cannot be determined.

In claim 27, the phrase "the players are evaluated by assigning points and those points form the basis for a competitive play which can be played over the international data network" is vague and indefinite because what applicant considers "points form the basis for a competitive play" cannot be determined. How can points play competitively?

Claim 27 recites the limitation "the international data network" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 29 recites the limitation "a computer controlled puck dispenser" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 30 recites the limitation "the puck dispenser" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 32 recites the limitation "the rotation speed" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 47 and 48 lack antecedent basis and it would appear that they would depend from claim 46. The examiner notes several examples above and requests that applicant ensure appropriate dependency for all of the limitations in all of the claims.

6. Regarding claim 52, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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7. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 27, 29, 33-37, 44, and 52 are rejected as best understood under 35 U.S.C. 103(a) as being unpatentable over Gronroos WO `950 in view of Belleisle `304, Cuneo `000, and Stephenson `237.

10. Gronroos discloses the following:

A game platform (figure 1), a goal (figure 2) with targets (6), target identifiers (6a-6d), a computer (44a), a puck magazine (27), and a passing unit (26) as recited in claim 27,

The puck dispenser located above the level of the game platform-releasing puck, which are advance from the magazine by gravity (figure 1) as recited in claim 29.

The target surfaces has a mat and the targets are divided into partial target surface A and B, in which the examiner interprets the targets 6a-6d to be an equivalent to the divided targets as recited in claim 33.

A control console (47) with control keys as recited in claim 44.

Gronroos does not expressly disclose the following:

A conveyor apparatus, two light barriers, a camera, points awarded to player for shots made, and points form the basis for competitive play over a network as recited in claim 27.

The hit targets are captured by camera connected to the computer and the image is captured at the calculated moment is compared to the computer to determine a hit as recited in claim 34.

Two inclined collector surfaces extend towards a conveying channel, the channel has perpendicular walls and is so narrow two flatly oriented pucks cannot lie side-by-side as recited in claim 35.

A circulating conveyor runs on the base of the conveying channel in order to initially transport the shot and unsorted pucks in the conveying channel as recited in claim 36.

The conveyor having a pair of conveyor belts running below the vertical wall of the conveying channel and several drivers connecting the conveyor belts at a distance corresponding to the width of the conveying channel as recited in claim 37.

Belleisle teaches the following:

A conveyor apparatus (17) for a hockey puck shooting range (figures 2 and 3) as recited in claim 27.

Two inclined collector surfaces extend towards a conveying channel, the channel has perpendicular walls and is so narrow two flatly oriented pucks

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cannot lie side-by-side, in which the examiner interprets the funnel (25) to be an a functional equivalent to the two inclined collectors (figure 2) as recited in claim 35.

A circulating conveyor runs on the base of the conveying channel in order to initially transport the shot and unsorted pucks in the conveying channel (figure 1) as recited in claim 36.

The conveyor having a pair of conveyor belts running below the vertical wall of the conveying channel and several drivers connecting the conveyor belts at a distance corresponding to the width of the conveying channel (figure 1) as recited in claim 37. By having a conveyor apparatus and two inclined collectors surfaces, one of ordinary skill in the art would provide efficient transportation of the hockey pucks.

Cuneo teaches the following:

Two light barriers (24a and 24b), a camera (59), and points awarded to player for shots made (summary) as recited in claim 27.

The hit targets are captured by camera (59) connected to the computer (20) and the image is captured at the calculated moment is compared to the computer to determine a hit, in which the examiner interprets the evaluation of a hit target to be a functionally equivalent to the target captured (column 8, lines 30-45) as recited in claim 34. By having two light barriers, a camera, and points for shots made, one of ordinary skill in the art would provide realistic simulation to evaluate a shooters skills.

Stephenson teaches the following:

The points awarded to the player form the basis form competitive play over a network, in which the examiner interprets a game of skill tournament, which gauges the skill level as compared to other players on a network (WAN or LAN) to be equivalent to the points used for competitive play over a network as recited in claims 27 and 52. By having a ranking system for a game of skill, one of ordinary skill in the art would provide a system that measures a player's skill level to others.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Gronroos to include a conveyor apparatus as taught by Belleisle, two light barriers, a camera, and points awarded to the player for shots made, the hit targets are captured by camera connected to the computer and the image is captured at the calculated moment is compared to the computer to determine a hit as taught by Cuneo, and points awarded form the basis for competitive play over a network as taught by Stephenson to gauge the performance skill level of a player to another.

Allowable Subject Matter

II. Claims 28, 30-32, 38-43, and 45 appears to encompass allowable subject matter, as best as presently understood, if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first & second paragraph and the claim objections, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


DiMarzion `675, Liscio `876, Woronets `652, Brun `958, Kronenberger `019, Eiba `516, and Barcelou `271 all disclose different types of shooting game.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary Jessica Harrison can be reached on 703-308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JESSICA HARRISON
PRIMARY EXAMINER